

IN RE: PETITION FOR SPECIAL HEARING  
SW/4 Belmont Avenue, 2500' S  
of Butler Road  
4th Election District  
3rd Councilmanic District  
Jogendra Singh, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-134-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Jogendra Singh, Legal Owner, and Brian C. and Renee A. Lerner, Contract Purchasers, appeared, testified and were represented by Lewis L. Fleury, Esquire. Also appearing on behalf of the Petitioner was Eugene Raphael, Registered Professional Land Surveyor. Appearing as an interested party was Lisa Keir, Office of Planning and Zoning. Peter Max Zimmerman appeared on behalf of the People's Counsel for Baltimore County. There were no Protestants.

Testimony indicated that the subject property consists of 7.103 acres zoned R.C. 2 and is located between Butler Road and Belmont Avenue. Petitioners are desirous of transferring the subject property, identified as Parcel B on Petitioner's Exhibit 1, to the Contract Purchasers for agricultural uses only. Testimony and evidence presented indicated that the subject property is part of a large parcel of land previously owned by Daniel and Patricia Baker which was subdivided and sold off in accordance with that depicted in Petitioner's Exhibit 1. Brian and Renee Lerner purchased Parcel A from the Bakers on July 25, 1989. At the same time, the

Lerners also acquired the 7.103 acres, depicted as an agricultural easement and identified as Parcel B on Petitioner's Exhibit 1, with an option to acquire fee-simple title to the property subject to the necessary approvals from Baltimore County. Prior to obtaining such approval, Dr. & Mrs. Singh purchased Parcel C from the Bakers on February 15, 1990.

Eugene Raphael testified that the Bakers' predecessors in interest, the Jacksons, sold 88 acres to Daniel Baker in 1978, of which 36.392 acres more or less are zoned R.C. 4 and the remaining 51.61 acres more or less are zoned R.C. 2. In accordance with Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), any subdivision of the 51.61 acres located in the R.C. 2 parcel after November 25, 1979, is limited to two lots. By deed dated March 30, 1989, the Bakers transferred 12 acres of the R.C. 2 zoned land to T. Courtenay and Allison Jenkins as depicted on Petitioner's Exhibit 1. Thereafter, the Bakers negotiated with the Lerners to sell the R.C. 4 parcel identified as Parcel A on Petitioner's Exhibit 1. At that time, the Lerners expressed an interest in acquiring the 7.103 acres in the R.C. 2 property, not for purposes of constructing a dwelling but to provide them with additional acreage which would be more conducive to agricultural uses than Parcel A, which is heavily wooded.

However, this transition needed zoning approval prior to its transfer as the subdivision would be considered three lots. For that reason, the Bakers agreed to transfer the 7.103 acres, in fee simple, to the Lerners, if approved by Baltimore County. In the alternative, the parties agreed the Lerners would have the exclusive right to use, occupy and possess the 7.103 acres for purposes of "producing, processing, storing, or raising horses, cattle or other agricultural products, and the erection and maintenance of improvements for such purposes, provided, however, that no im-

- 2 -

OFFICE RECEIVED FOR FILING  
Date 11/29/90  
By [Signature]

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-134-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nondensity transfer of 7.103 acres from the 39.653-acre parcel, zoned R.C. 2, to the adjoining 36.392-acre parcel, zoned R.C. 4, all of which are shown on the attached plat.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
Brian C. and Renee A. Lerner  
(Type or Print Name)  
Signature [Signature]  
7907 Stevenson Road  
Address  
Pikesville, Maryland 21208  
City and State

Attorney for Petitioner:  
Lewis L. Fleury, Esquire  
(Type or Print Name)  
Signature [Signature]  
424 Woodbine Avenue  
Address  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: 825-9200

Legal Owner(s):  
JOGENDRA SINGH  
(Type or Print Name)  
Signature [Signature]  
KIRPAL K. SINGH  
(Type or Print Name)  
Signature [Signature]

1602 Near Thicket Lane 853-2296  
Address  
Stevenson, MD 21153  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Lewis L. Fleury, Esquire  
424 Woodbine Ave. 825-9200  
Towson, MD 21204  
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12 day of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 20 day of Nov, 1990, at 9:30 o'clock

A. M.  
J. Robert Haines  
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

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Date 11/29/90  
By [Signature]

improvements shall be erected upon the 7-acre parcel for any other purpose, specifically including residential purposes..." in accordance with the agreement set forth in the Agricultural Easement signed between the Bakers and the Lerners on July 25, 1989.

All testimony presented at the hearing indicated that the subject property will be used strictly for agricultural purposes and at no time shall be used as acreage used to calculate the density of the adjoining R.C. 4 land. The Petitioners argued that the spirit and intent of the R.C. 2 regulations would be met by the granting of the relief requested herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and is within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby

- 3 -

OFFICE RECEIVED FOR FILING  
Date 11/29/90  
By [Signature]

E. F. RAPHEL & ASSOCIATES  
Registered Professional Land Surveyors  
205 COURTLAND AVENUE  
TOWSON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY ZONING PETITION

TRANSFER OF THE 7.103 ACRE AGRICULTURAL EASEMENT

"BAKER PROPERTY"

August 2, 1990

Beginning for the same at a point on the southwesterly side of Belmont Avenue, said point being located southwesterly and southeasterly, along the west side of Belmont Avenue, 2500' ± from the intersection formed by the center line of Butler Road and the center line of Piney Grove Road, running thence on the southwesterly side of Belmont Road, 1) Northwesterly by a curve to the right with a radius of 2102.72' for a distance of 137.21' (the chord of said arc being N 25° 26' 11" W 137.19' and) 2) Northwesterly by a curve to the right with a radius of 1755.39' for a distance of 134.65' (the chord of said arc being N 21° 22' 10" W 134.62'), thence leaving Belmont Road and running for lines of division the sixteen following courses and distances: 1) S 83° 59' 25" W 1188.60'; 2) S 16° 43' 37" E 62.64'; 3) S 36° 41' 02" E 53.60'; 4) S 48° 59' 35" E 71.59'; 5) S 71° 48' 38" E 83.17'; 6) S 65° 06' 50" E 201.78'; 7) S 85° 20' 31" E 61.20'; 8) N 77° 53' 49" E 205.55'; 9) N 71° 32' 14" E 82.22'; 10) N 80° 33' 56" E 85.16'; 11) N 60° 26' 00" E 68.96'; 12) N 73° 24' 54" E 38.60'; 13) S 77° 41' 19" E 163.78'; 14) N 72° 47' 47" E 115.13'; 15) S 81° 48' 31" E 90.93'; and 16) N 57° 39' 54" E 50.79' to the place of beginning.

Containing 7.103 Acres of land more or less.

GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit 1, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.
- 4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.
- 5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioners shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

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Date 11/29/90  
By [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(801) 887-2333

November 29, 1990

Lewis L. Fleury, Esquire  
424 Woodbine Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
SW/4 Belmont Avenue, 2500' S of Butler Road  
4th Election District - 3rd Councilmanic District  
Jogendra Singh, et ux - Petitioners  
Case No. 91-134-SPH

Dear Mr. Fleury:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for Special Hearing has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

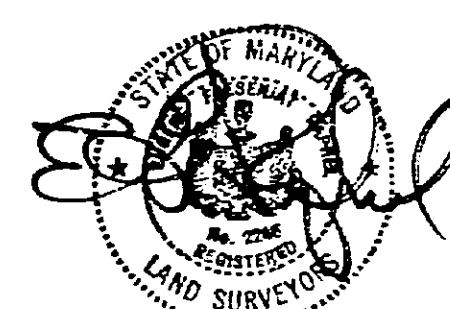
Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File



E. F. RAPHEL  
Reg. Prof. Land Surveyor  
# 22846

Baltimore County  
Zoning Commissioner  
County Office Building  
121 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
No 3243

Date 8/21/90 H9100075

PUBLIC HEARING FEES	QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X	\$175.00
LAST NAME OF OWNER: SINGH		TOTAL: \$175.00

Cashier Validation:

Please make checks payable to: Baltimore County  
04A0440024M1CHRC  
24 C001547HCB-21-90 \$175.00  
NEXT BUSINESS DAY



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing  
Case number: 91-134-SPH  
SW/S Belmont Avenue, 2500' SE Butler Road  
4th Election District - 3rd Councilmanic

Legal Owner(s): Jogendra Singh and Kirpal K. Singh  
Hearing Date: Tuesday, November 20, 1990 at 9:30 a.m.

Special Hearing: The nondensity transfer of 7.103 acres from 39.853 acre parcel, zoned R.C. 2, to the adjoining 35.392 acre parcel, zoned R.C. 4, all of which are shown on the attached plat.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
OCT 18 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-23, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-18, 1990.

OWINGS MILLS TIMES,

S. Zeke Orlean  
Publisher

\$ 64.37

\$ 89.37

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 22, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 18, 1990.

THE JEFFERSONIAN,

S. Zeke Orlean  
Publisher

\$ 64.37

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 4th Date of Posting October 22, 1990

Posted for: Special Hearing  
Petitioner: Brian C. and Renee A. Lerner

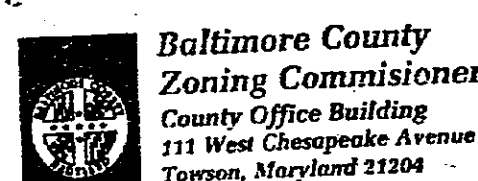
Location of property: SW/S Belmont Avenue, 2500' SE Butler Road

Location of Sign: S.W. side of Belmont Avenue, approx. 2600' S.E. of Butler Road

Remarks: S. J. Haines

Posted by: S. J. Haines Date of return: November 2, 1990

Number of Signs: 1



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RECEIVED  
FEB 6 1991

11/20/90 ZONING OFFICE

PUBLIC HEARING FEES GTY PRICE

000 - POSTING SIGNS / ADVERTISING 1 x \$89.37

TOTAL: \$89.37

LAST NAME OF OWNER: SINGH

Cashier Validation: 04A04#0060MCHRC \$89.37  
BA C009123A11-20-90

Please make checks payable to: Baltimore County

receipt  
Ne 3924

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE 10/30/90

Brian C. and Renee A. Lerner  
7907 Stevenson Road  
Pikesville, Maryland 21208

Re: Petition for Special Hearing

CASE NUMBER: 91-134-SPH  
SW/S Belmont Avenue, 2500' SE Butler Road  
4th Election District - 3rd Councilmanic  
Legal Owner(s): Jogendra Singh and Kirpal K. Singh  
HEARING: TUESDAY, NOVEMBER 20, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$ 89.37 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs  
cc: Lewis L. Fleury, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 2, 1990

NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing  
CASE NUMBER: 91-134-SPH  
SW/S Belmont Avenue, 2500' SE Butler Road  
4th Election District - 3rd Councilmanic  
Legal Owner(s): Jogendra Singh and Kirpal K. Singh  
HEARING: TUESDAY, NOVEMBER 20, 1990 at 9:30 a.m.

Special Hearing: The nondensity transfer of 7.103 acres from 39.853 acre parcel, zoned R.C. 2, to the adjoining 35.392 acre parcel, zoned R.C. 4.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Jogendra Singh and Kirpal Singh  
Brian C. and Renee A. Lerner  
Lewis L. Fleury, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 31, 1990

Lewis L. Fleury, Esquire  
424 Woodbine Avenue  
Towson, MD 21204

RE: Item No. 75, Case No. 91-134-SPH  
Petitioner: Jogendra Singh, et ux  
Petition for Special Hearing

Dear Mr. Fleury:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Jogendra Singh  
Mr. & Mrs. Brian C. Lerner

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 12th day of September, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Jogendra Singh, et ux

Petitioner's Attorney: Lewis L. Fleury

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3354

October 1, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 51, 67, 72, 74, 75, 76, 77, 79, and 81.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/jw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
September 11, 1990

RECEIVED  
SEP 11 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 75  
PROPERTY OWNER: Jogendra Singh & Kirpal K. Singh  
CONTRACT PURCHASER: Brian C. Lerner, et ux  
LOCATION: SW/S Belmont Avenue, 2500' SE Butler Road  
ELECTION DISTRICT: 4th  
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) RAMPS (degree slope)
- ( ) NUMBER PARKING SPACES ( ) CURB CUTS
- ( ) BUILDING ACCESS ( ) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- ( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS. SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

OO OTHER - NO COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

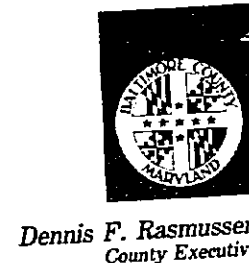
THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.



Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500  
Paul H. Reincke  
Chief

SEPTEMBER 6, 1990



J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOGENDRA AND KIRPAL K. SINGH  
Location: SW/S BELMONT AVENUE  
Item No.: 75 Zoning Agenda: SEPTEMBER 11, 1990

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* 9-6-90 Noted and Approved *Captain W.F. Bradph-Kel*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 5, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for September 11, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 51, 67, 72, 74, 75, 76, 77, 78, 81.

For 90-560-spha - Pizza Palace, 39 York Road - the previous County Review Group comments still apply.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Ann Nastarowicz DATE: December 18, 1990  
Deputy Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Case No. 91-134-SPH

I recently had a meeting with the petitioner regarding this case. The petitioner stated that they were willing to comply with the comments submitted by the Office and included in the Commissioner's Findings of Fact and Conclusions of Law. The problem it seems is that the subdivision will not result in immediate development, nor was the property subdivided to build upon at the present time. Our comments regarding this case, in fact, centered on a development scenario.

In an effort to resolve this apparent dilemma I would suggest that an appropriate solution be the inclusion of a note on the FDP/Record Plat that states compliance with agency comments must be addressed (as provided in the order) at the time of building permits application.

*Pat Keller*  
Pat Keller  
Deputy Director

PK:pat  
91134SPH/TXTPAT

RECEIVED  
DEC 20 1990  
ZONING OFFICE

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 30, 1990  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Jogendra Singh, Item No. 75

The Petitioner requests a Special Hearing to approve the non-density transfer of 7.103 acres from the 39.653 acre parcel, zoned R.C.2, to the adjoining 36.392 acre zoned R.C.4.

In reference to the Petitioner's request, staff offers the following comments:

Planning staff recommends that the Petitioner's request be granted, subject to the following:

- The location of any proposed dwellings on Parcels A, B, and C should be indicated on the plat accompanying the Petitioner's request. Also, the information as follows should be delineated on the plan as well:
  - proposed or actual location of wells
  - proposed or actual location of septic areas
  - location of prime and productive soils on Parcels A, B, and C
  - location of proposed driveways
  - location of existing and proposed fencelines
  - current uses of Parcels A, B, and C
  - chart depicting utilization of density in R.C.2 and R.C.4 zones
  - adjacent land ownerships and uses
  - adjacent agricultural easements
  - a note indicating the agricultural easement on Parcel B
- a written statement of purpose of nondensity transfer, including an explanation of how it will support the purposes of the R.C.2 zone

received  
10/30/90

LEWIS L. FLEURY  
ATTORNEY AT LAW  
424 WOODBINE AVENUE  
TOWSON, MARYLAND 21204  
(301) 825-9200

March 15, 1991

RECEIVED  
MAR 18 1991

Ms. Ann M. Nastarowicz  
Deputy Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

ZONING OFFICE

RE: Case No. 91-134-SPH  
Jogendra Singh, et ux.

Dear Ms. Nastarowicz:

Enclosed herewith is a copy of a deed for the subject 7.103 acre parcel of land which was recorded among the Land Records of Baltimore County on March 14, 1991 in compliance with provision no. 5 of your Order entered in the above matter on November 29, 1990.

Also enclosed is a copy of an interoffice communication dated December 18, 1990 from Pat Keller, Deputy Director, Office of Planning and Zoning to you suggesting that provision no. 2 of said Order be complied with by "the inclusion of a note on the FDP/Record Plat that states compliance with agency comments must be addressed (as provided in the order) at the time of building permits application," which comment the landowner will comply with at the time of filing said FDP/Record Plat.

It now appears to me that the petitioners and the present landowners are in full compliance with the provisions of your Order. If you disagree or have other suggestions or comments concerning this matter, please contact me. Thank you very much for your cooperation.

Very truly yours,  
*L. Fleury*  
Lewis L. Fleury

LLF/bg  
26/LRP:AN  
Enclosures

cc: Drs. Jogendra and Kirpal Singh  
Drs. Brian and Renee Lerner

other consideration, the parties of the first part hereby do grant and convey unto the said BRIAN C. LERNER and RENEE A. LERNER, his wife, as

Jogendra Singh, Item No. 75  
Page Two  
October 30, 1990

Since this area has a large amount of land in agricultural easements and Maryland Environmental Trust easements, planning staff recommends that Parcels A, B, and C be placed in one of these programs to ensure that the parcels maintain their agricultural use.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PR/JL/CMM  
ITEM75/ZAC1

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 21, 1991

Lewis L. Fleury, Esquire  
424 Woodbine Avenue  
Towson, Maryland 21204

RE: Petition for Special Hearing  
SW/S Belmont Avenue, 2500' S of Butler Road  
4th Election District - 3rd Councilmanic District  
Jogendra Singh, et ux - Petitioners  
Case No. 91-134-SPH

Dear Mr. Fleury:

In response to your letter dated March 15, 1991 regarding the above-captioned matter, the following comments are offered.

Pursuant to our telephone conversation on the subject, the new deed should be redrafted to modify the clause on Page 3 to delete the words at the end of the paragraph stating "all of said conditions having been fulfilled." After the deed has been revised, please forward a copy of same to this Office for inclusion in the case file.

Further, as we discussed, it is my opinion that compliance with the conditions set forth in the Order issued November 29, 1990 is an ongoing process, including, but not limited to, compliance with the Office of Planning and Zoning comments dated October 30, 1990 at the time of any future building permit application.

Should you have any questions concerning this matter, please do not hesitate to contact me. Thank you for your attention in this matter.

Very truly yours,

*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:hjs  
cc: Case File

MICROFILMED

E. F. RAPHEL & ASSOCIATES  
Registered Professional Land Surveyors  
225 COURTLAND AVENUE  
TOWSON, MARYLAND 21204

OFFICE: 825-3908

RESIDENCE: 771-4592

Re: Petition For Special Hearing  
CASE NUMBER: 91-134-SPH  
SW/S Belmont Avenue  
Owner: Jogendra Singh and wife  
BEFORE  
THE ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY

AFFIDAVIT

I hereby certify that the testimony given by me before the Deputy Zoning Commissioner in the above matter on November 20, 1990, that the existing water well for that land designated as parcel "A" on the plat filed in said proceeding as Petitioners' Exhibit No. 1 is located on parcel "B" shown on said plat, is in error. Upon rechecking the plat and computations in my office file, I have determined that said well is actually located on parcel "A", in the RC-4 zone, as shown on the plat attached hereto and made a part hereof, marked "Revised 11/20/90".

I HEREBY DECLARE AND AFFIRM under the penalty of perjury that the above affidavit is true and correct.

*E. F. Raphael*  
Eugene F. Raphael

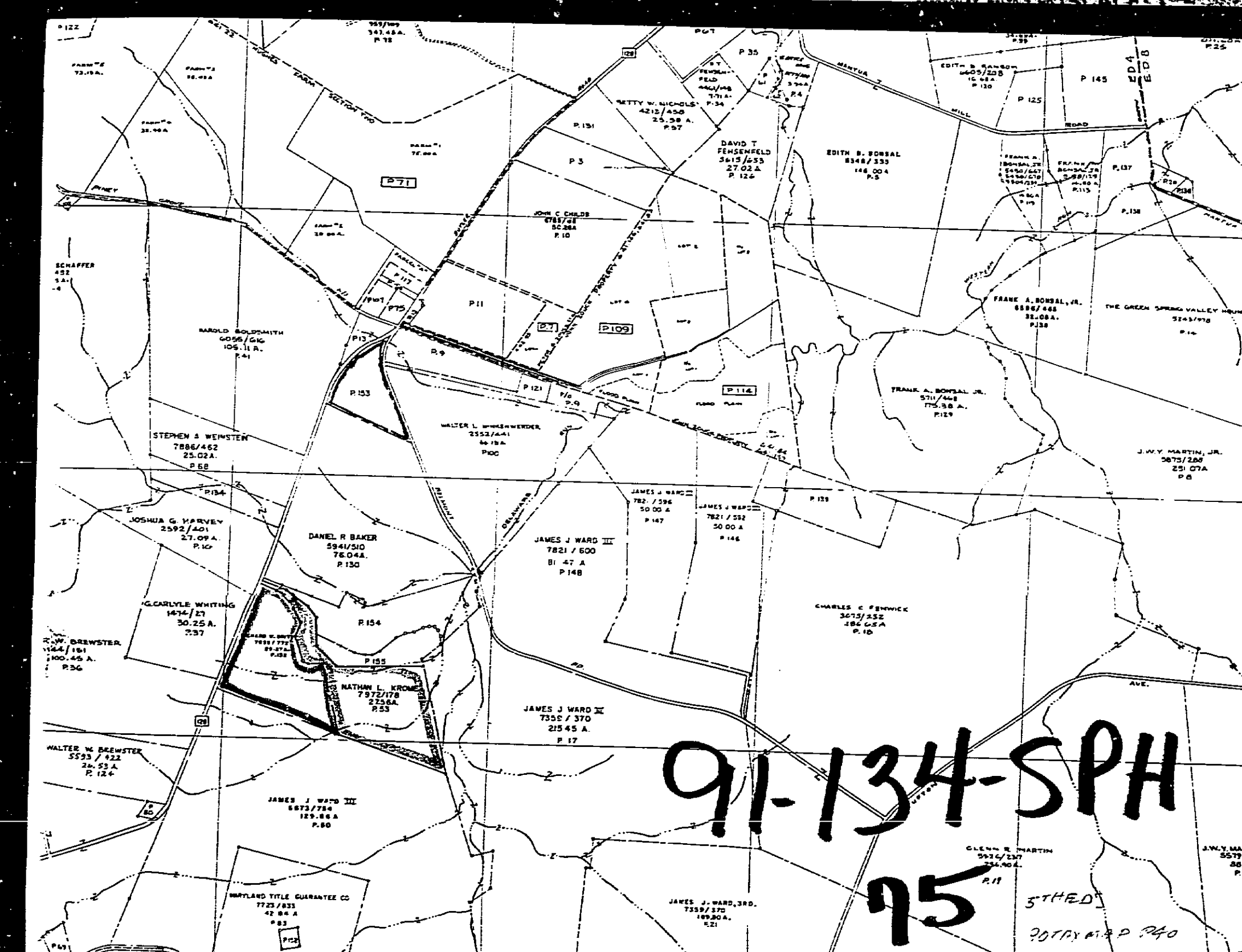
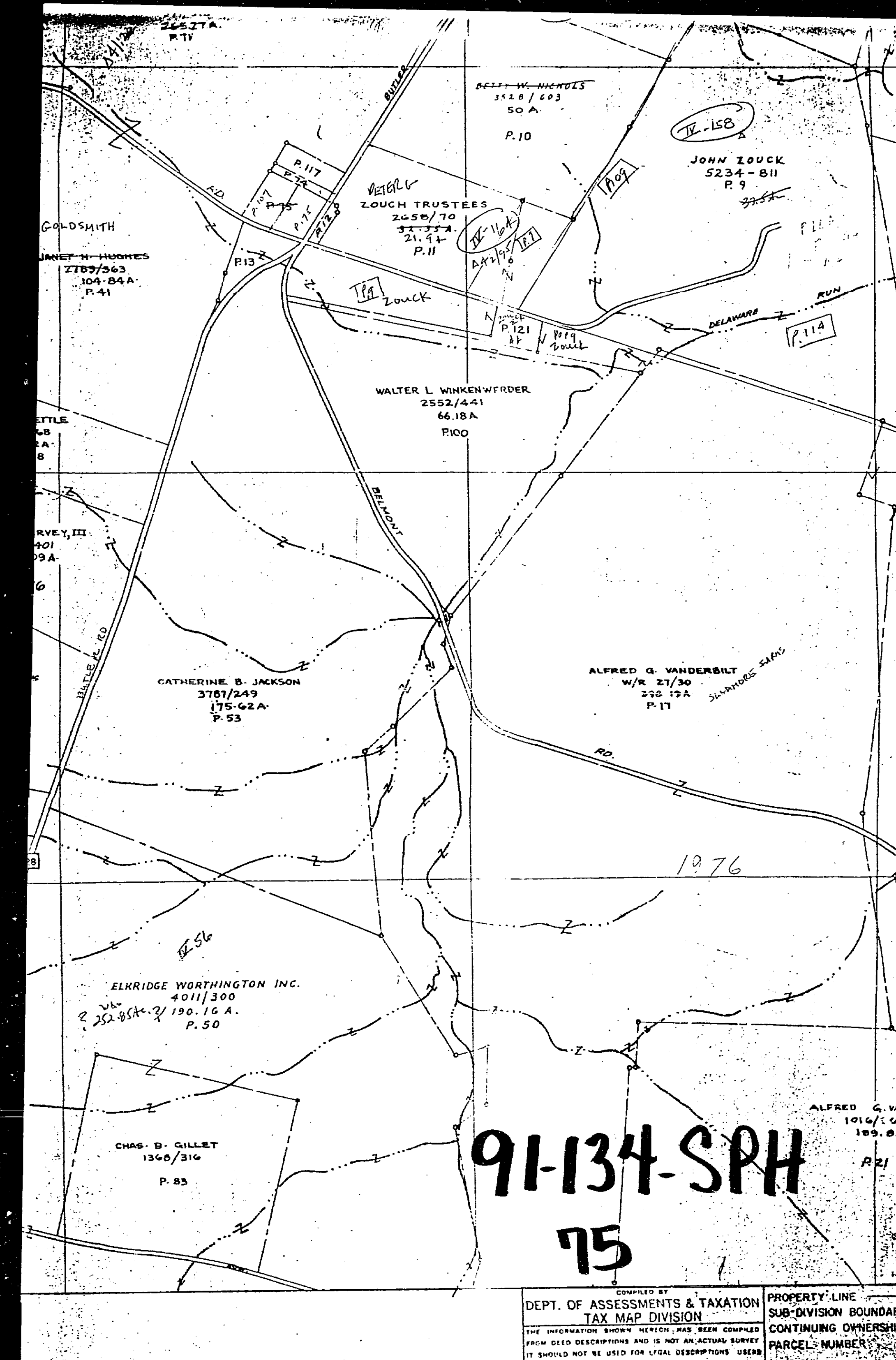
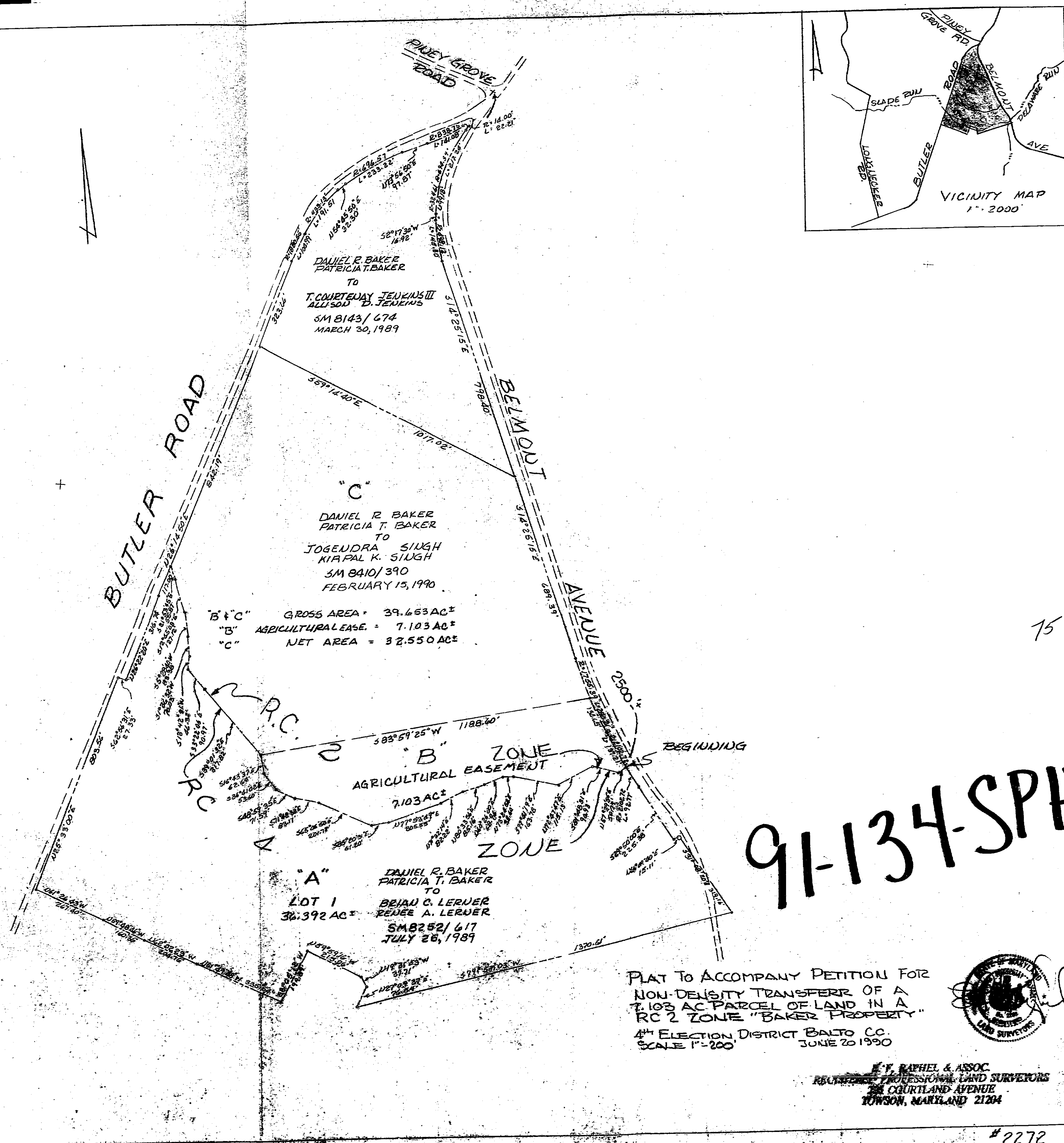
24/Ler.Aff.1



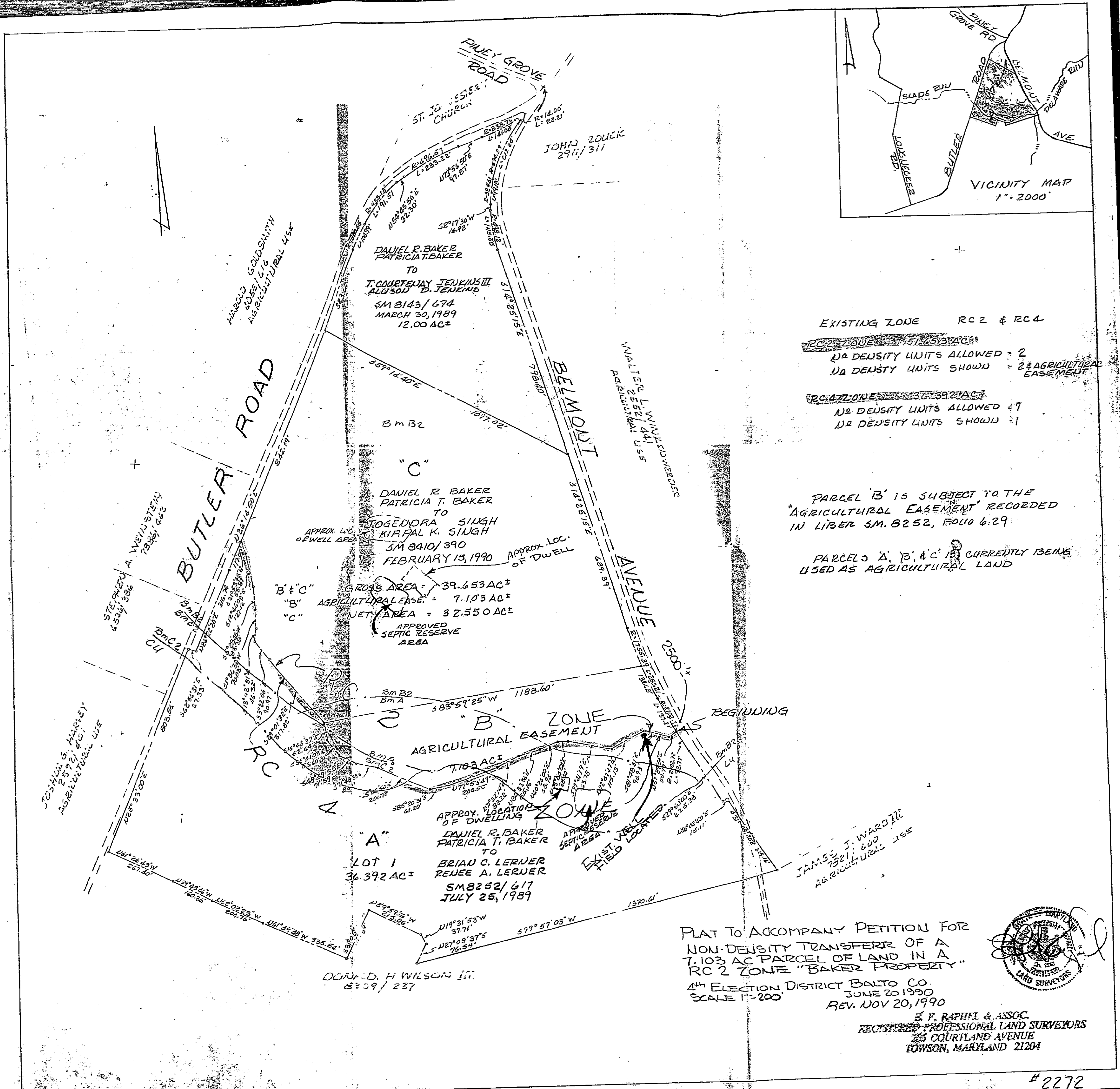
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Brian Lerner	7907 Stevenson RD Baltimore
Rene Lerner	"
Jogendra Singh	1602 Near Thicket Ln Stevenson, Md.
Amal Singh	1344 Butler Rd. Stevenson, Md.
Lisa Keir OPR	







LIBER 841 PAGE 510

THIS DEED, Made this 29th day of September 1978, by and between CATHERINE B. JACKSON of Baltimore County, State of Maryland, of the first part, and DANIEL R. BAKER and PATRICIA T. BAKER, his wife, of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations this day paid the receipt of which is hereby acknowledged, the said CATHERINE B. JACKSON, does grant and convey to the said DANIEL R. BAKER and PATRICIA T. BAKER, his wife, as tenants by the entireties, their assigns, the survivor of them and to the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in the Eighth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southeast side of Butler Road, 40 feet wide, (State Road No. 123) at the beginning of the second parcel of land described in a deed dated November 29, 1960 which was conveyed by David C. Green to Catherine B. Culver, recorded among the Land Records of Baltimore County in Liber W.J.R. 3787, folio 249; thence from said place of beginning, binding on the southeast side of Butler Road and binding on the outlines of the herein mentioned parcel of land, the right following lines; as now surveyed, viz: (1) North 26° 22' 20" East 316.74 feet, (2) North 26° 14' 50" East 1282.85 feet, (3) northeasterly by a curve to the right having a radius of 1800.39 feet for the distance of 104.48 feet, said arc being subtended by a chord bearing North 27° 50' 20" East 104.97 feet, (4) northeasterly by a curve to the right having a radius of 433.15 feet for the distance of 191.51 feet, said arc being subtended by a chord bearing North 42° 05' 50" East 189.95 feet, (5) North 56° 45' 50" East 32.30 feet, (6) northeasterly by a curve to the right having a radius of 696.37 feet for the distance of 233.22 feet, said arc being subtended by a chord bearing North 64° 21' 20" East 232.15 feet, (7) North 73° 56' East 97.87 feet and (8) northeasterly by a curve to the left having a radius of 838.75 feet for the distance of 141.08 feet, said arc being subtended by a chord bearing North 69° 07' 43.51 East 140.91 feet to the westernmost side of Belmont Road, thence (9) southerly by a curve to the right having a radius of 14.00 feet for the distance of 22.21 feet said arc being subtended by a chord bearing South 7° 42' 54" East 19.95 feet, thence continuing to the bind on the outlines of said parcel of land and binding on the westernmost side of Belmont Road, 40 feet wide, as now surveyed, (10) southerly by a curve to the left having a radius of 694.39 feet for the distance of 277.24 feet, said arc being subtended by a chord bearing South 28° 45' 11" East 276.35 feet, (11) southerly by a curve to the left having a radius of 324.61 feet for the distance of 99.18 feet, said arc being subtended by a chord bearing South 11° 02' 40" West 98.79 feet,

JACKSON TO BAKER  
5941/510

LIBER 841 PAGE 510

EXHIBIT A-1  
(SAVING AND EXEMPTING FROM EXHIBIT A)

MT/CH 6890504

30th

This Deed, Made This 30th day of September 1978, by and between DANIEL R. BAKER and PATRICIA T. BAKER, husband and wife, Grantors, parties of the first part, and T. COURTNEY JENKINS, III and ALLISON D. JENKINS, husband and wife, Grantees, parties of the second part.

WITNESSETH, That in consideration of the sum of TWO HUNDRED NINETY THREE THOUSAND 00/100 DOLLARS (\$293,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged the said Grantors

do grant and convey to the said Grantees, as tenants by the entireties, their assigns, the survivor of them, and the survivor's

personal representatives and assigns, in fee simple, all that lot of ground situate in BALTIMORE County, Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

BEING part of the lot of ground described in a Deed dated September 29, 1978, as recorded among the Land Records of Baltimore County in Liber 5941, folio 510, from CATHERINE B. JACKSON unto the grantors herein.

By the execution of this Deed, the party of the first part hereby certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, is as hereinbefore set forth.

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE UNDER OF TITLE 17  
REGISTRATION DATE 2/11/89

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County

19 4-11-89

C RCF 20.00  
C T TX 1340.00  
C RDCS 1462.00  
CUT FEE 2825.00  
REGISTRATION 1001 R02 115.00  
04/10/89

B D 010\*\*\*\*4088000a 51020

BAKER TO JENKINS  
8252/641



